

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES M. SEBERO,

Defendants.

NO. CR-08-127-JLQ

**ORDER DENYING MOTION TO
JOIN AND TO SUPPRESS**

IT IS HEREBY ORDERED:

1. Having previously reserved ruling, the court hereby **DENIES** the Defendant's Motion for Joinder/Consolidation (Ct. Rec. 26), with leave granted to renew the motion at counsel's discretion. The Defendant did not renew the joinder argument on March 13, 2009. The time frame (1975-1980) of the scheme to defraud alleged in the "Idaho case" (CR-08-185) and the 2007 alleged misstatements in the matter *sub judice* temporally vary sufficiently that the interests of justice require separate trials of the two cases.

2. Having previously reserved ruling, the court hereby **DENIES** the Defendant's motion to suppress the evidence, recordings, and testimony related to the Defendant's VA examination (Ct. Rec. 25). The physician-patient privilege, though codified in Washington state law and noble in its' intent, is recognized by neither federal common law, rule, or statute. While the court has substantial concerns as to the efficacy of Dr. Rasmussen's questions propounded to the Defendant, that matter should await ruling on the Defendant's F. R. Crim. P. 29 motion.

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2 3. Ruling on the Defendant's motion to suppress the testimony of his current and
former spouses (Ct. Rec. 25) and any privileges related thereto remain **RESERVED**.

3 The Clerk is hereby directed to enter this Order and furnish copies to counsel.

4 **DATED** this 16th day of March, 2009.

5 s/ Justin L. Quackenbush
6 JUSTIN L. QUACKENBUSH
7 SENIOR UNITED STATES DISTRICT JUDGE
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